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Agenda item 63

# Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

## Report of the First Committee

*Rapporteur*: Mr. Mohamed Ali Saleh **Alnajar** (Yemen)

## I. Introduction

1. The item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the provisional agenda of the fifty-ninth session of the General Assembly in accordance with Assembly resolution 58/35 of 8 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 30 September 2004, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely items 57 to 72, which was held at the 2nd to 9th meetings, on 4, 5, 7, 8 and 11 to 14 October (see A/C.1/59/PV.2-9). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 10th to 16th meetings, from 18 to 22 and on 25 October (see A/C.1/59/PV.10-16). Action on all draft resolutions was taken at the 17th to 23rd meetings, from 26 to 28 October and on 1 and 3 to 5 November (see A/C.1/59/PV.17-23).

4. No documents were submitted for consideration under this item.

## II. Consideration of draft resolution A/C.1/59/L.44

5. At the 11th meeting, on 19 October, the representative of Pakistan, on behalf of Bangladesh, Brunei Darussalam, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, El Salvador, Indonesia, the Islamic Republic of Iran,

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Jordan, Malaysia, Mali, Myanmar, Nigeria, Pakistan, Saudi Arabia, Sri Lanka, the Sudan, the Syrian Arab Republic, Viet Nam and Zambia, introduced a draft resolution entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (A/C.1/59/L.44).

6. At its 18th meeting, on 27 October, the Committee adopted draft resolution A/C.1/59/L.44 by a recorded vote of 109 to none, with 61 abstentions (see para. 7). The voting was as follows:

*In favour*:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

None.

*Abstaining*:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mozambique, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

# III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

## Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

*The General Assembly*,

*Bearing in mind* the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

*Convinced* that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

*Welcoming* the progress achieved in recent years in both nuclear and conventional disarmament,

*Noting* that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of general and complete disarmament under effective international control,

*Convinced* that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

*Determined* to abide strictly by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

*Recognizing* that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

*Considering* that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

*Recognizing* that effective measures and arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

*Bearing in mind* paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly,[1] the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

[1] Resolution S-10/2.

*Recalling* the relevant parts of the special report of the Committee on Disarmament[2] submitted to the General Assembly at its twelfth special session,[3] the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session,[4] the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,[5]

*Recalling also* paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

*Noting* the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons,[6] with a view to reaching agreement on this question,

*Taking note* of the proposals submitted under the item in the Conference on Disarmament, including the drafts of an international convention,

*Taking note also* of the relevant decision of the Thirteenth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held in Kuala Lumpur from 20 to 25 February 2003,[7] as well as the relevant recommendations of the Organization of the Islamic Conference,

*Taking note further* of the unilateral declarations made by all the nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against the non-nuclear-weapon States,

*Noting* the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

*Taking note* of Security Council resolution 984 (1995) of 11 April 1995 and the views expressed on it,

*Recalling* its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994, 50/68 of 12 December 1995, 51/43 of 10 December 1996, 52/36 of 9 December 1997, 53/75 of 4 December 1998, 54/52 of 1 December 1999, 55/31 of 20 November 2000, 56/22 of 29 November 2001, 57/56 of 22 November 2002 and 58/35 of 8 December 2003,

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[2] The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

[3] *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2* (A/S-12/2), sect. III.C.

[4] Ibid., *Fifteenth Special Session, Supplement No. 2* (A/S-15/2), sect. III.F.

[5] Ibid., *Forty-seventh Session, Supplement No. 27* (A/47/27), sect. III.F.

[6] Ibid., *Forty-eighth Session, Supplement No. 27* (A/48/27), para. 39.

[7] See A/57/759-S/2003/332, annex I.

1. *Reaffirms* the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. *Notes with satisfaction* that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;

3. *Appeals* to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. *Recommends* that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be explored further in order to overcome the difficulties;

5. *Also recommends* that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

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**Fifty-ninth session**
Agenda item 64

# Prevention of an arms race in outer space

## Report of the First Committee

*Rapporteur*: Mr. Mohamed Ali Saleh **Alaajar** (Yemen)

## I. Introduction

1. The item entitled "Prevention of an arms race in outer space" was included in the provisional agenda of the fifty-ninth session of the General Assembly in accordance with Assembly resolution 58/36 of 8 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 30 September 2004, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely items 57 to 72, which was held at the 2nd to 9th meetings, on 4, 5, 7, 8 and 11 to 14 October (see A/C.1/59/PV.2-9). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 10th to 16th meetings, from 18 to 22 and on 25 October (see A/C.1/59/PV.10-16). Action on all draft resolutions was taken at the 17th to 23rd meetings, from 26 to 28 October and on 1 and 3 to 5 November (see A/C.1/59/PV.17-23).

4. No documents were submitted for consideration under this item.

## II. Consideration of draft resolution A/C.1/59/L.36

5. At the 12th meeting, on 20 October, the representative of Egypt, on behalf of Algeria, Bangladesh, Brunei Darussalam, China, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Indonesia, the Islamic Republic of Iran, Jordan, Kenya, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Pakistan, Sri Lanka, Yemen and Zambia, introduced a draft resolution entitled "Prevention of an arms race in outer space" (A/C.1/59/L.36). Subsequently, Belarus, Ecuador, El Salvador, India, Mongolia, the Russian Federation, Sierra

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Leone, the Syrian Arab Republic and Uruguay joined in sponsoring the draft resolution.

6. At its 18th meeting, on 27 October, the Committee adopted draft resolution A/C.1/59/L.36 by a recorded vote of 167 to none, with 2 abstentions (see para. 7). The voting was as follows:

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

None.

*Abstaining*:

Israel, United States of America.

# III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

## Prevention of an arms race in outer space

*The General Assembly*,

*Recognizing* the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

*Reaffirming* the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development,

*Reaffirming also* the provisions of articles III and IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,[1]

*Recalling* the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities,

*Reaffirming* paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly,[2] in which it is stated that in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

*Recalling* its previous resolutions on this issue, and taking note of the proposals submitted to the General Assembly at its tenth special session and at its regular sessions, and of the recommendations made to the competent organs of the United Nations and to the Conference on Disarmament,

*Recognizing* that prevention of an arms race in outer space would avert a grave danger for international peace and security,

*Emphasizing* the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space,

*Considering* that wide participation in the legal regime applicable to outer space could contribute to enhancing its effectiveness,

*Noting* that the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment in 1985 and seeking to enhance its functioning in qualitative terms, continued the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in

[1] Resolution 2222 (XXI), annex.

[2] Resolution S-10/2.

outer space,[3] and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

*Noting also* that there were no objections in principle in the Conference on Disarmament to the re-establishment of the Ad Hoc Committee, subject to re-examination of the mandate contained in the decision of the Conference on Disarmament of 13 February 1992,[4]

*Emphasizing* the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space, and hoping that concrete results will emerge from those efforts as soon as possible,

*Convinced* that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,

*Stressing* that the growing use of outer space increases the need for greater transparency and better information on the part of the international community,

*Recalling*, in this context, its previous resolutions, in particular resolutions 45/55 B of 4 December 1990, 47/51 of 9 December 1992 and 48/74 A of 16 December 1993, in which, inter alia, it reaffirmed the importance of confidence-building measures as a means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

*Conscious* of the benefits of confidence- and security-building measures in the military field,

*Recognizing* that negotiations for the conclusion of an international agreement or agreements to prevent an arms race in outer space remain a priority task of the Ad Hoc Committee and that the concrete proposals on confidence-building measures could form an integral part of such agreements,

1. *Reaffirms* the importance and urgency of preventing an arms race in outer space and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;[1]

2. *Reaffirms its recognition*, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space, that the regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness and that it is important to comply strictly with existing agreements, both bilateral and multilateral;

3. *Emphasizes* the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. *Calls upon* all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the

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[3] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 27* (A/49/27), sect. III.D (para. 5 of the quoted text).

[4] CD/1125.

prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. *Reiterates* that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. *Invites* the Conference on Disarmament to complete the examination and updating of the mandate contained in its decision of 13 February 1992[4] and to establish an ad hoc committee as early as possible during its 2005 session;

7. *Recognizes*, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. *Urges* States conducting activities in outer space, as well as States interested in conducting such activities, to keep the Conference on Disarmament informed of the progress of bilateral and multilateral negotiations on the matter, if any, so as to facilitate its work;

9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Prevention of an arms race in outer space".